

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
File No. 4:98-CV-73-H3

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DAVID W. ... CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT OF N.C.

DEBRA MORRIS BUTLER,)
Plaintiff)
)
v.)
)
SMITHFIELD FOODS,)
INCORPORATED,)
Defendant)

**PLAINTIFF'S IDENTIFICATION OF
WITNESSES AND EXHIBITS**

Rule 26(a)(3)

NOW COMES the plaintiff, by and through undersigned counsel, and submits her final lists
of witnesses and exhibits pursuant to Rule 26(a)(3) as follows:

PLAINTIFF'S WITNESS LIST

1. Debra Morris Butler
2815 Brookhaven Drive
Kinston, NC 28504
2. Sherman Gilliland
Human Resources Manager
Smithfield Foods, Inc.
2602 W. Vernon Avenue.
Kinston, NC 28501
3. John Oliver, Vice President (Kinston Plant)
Plant Manager
Smithfield Foods, Inc.
2602 W. Vernon Avenue.
Kinston, NC 28501
4. Luis Lopez
Former Human Resources Manager
Address to be provided
5. Herb DeGroft
Human Resources Manager
Smithfield Foods, Inc.
Smithfield, Virginia

6. Tom Ross
Vice President
Human Resources
Smithfield Foods, Inc.
Smithfield, Virginia
7. Angela Thompson
Former Controller
Smithfield Foods, Inc.
Pleasant Hill Road
Pink Hill, NC 28572
8. Cindy Pate
Nurse
Smithfield Foods, Inc.
2602 W. Vernon Avenue
Kinston, NC 28501
9. Wilbur Heath
Smithfield Foods, Inc.
2602 W. Vernon Avenue
Kinston, NC 28501
10. Jesse Chase
Smithfield Foods, Inc.
2602 W. Vernon Avenue
Kinston, NC 28501
11. Pearl Moore
Plant Manager
Smithfield Foods, Inc.
Kinston, North Carolina
12. George Butler
2815 Brookhaven Drive
Kinston, NC 28501

PLAINTIFF'S EXHIBIT LIST

1. Deposition of Debra Morris Butler
2. Deposition of Cliff Butler
3. Smithfield Packing Co., Kinston Plant, Organizational Chart (Exhibit 1 to D. Butler deposition)
4. Pictures taken during Christmas luncheon at Smithfield Foods in Kinston
5. Job Description Form for "Plant Nurse" for Smithfield Packing Company, Kinston, North Carolina
6. Debra Butler's letter/grievance dated December 17, 1996
7. Department Memo to All Employees from John Oliver dated November 1, 1996
8. Memo to All Smithfield Packing Company Office Employees at All Locations from Lewis R. Little dated November 20, 1996
9. Smithfield Packing Company Policy re: Handling Employee Complaints/Grievances effective 10/6/80
10. Smithfield Packing Co. Department Memo dated January 15, 1996.
11. Debra Butler's Charge of Discrimination to EEOC dated April 22, 1997
12. Memo of Debra Butler (undated) beginning "All hearing protection taken out of clinic...."
13. Memo of Debra Butler (undated) beginning "Started to work at Smithfield Packing 10-23-95...."
14. Memo of Debra Butler dated November 16, 1995
15. Memo of Debra Butler dated December 27, 1995
16. Memo of Debra Butler dated January 7, 1996
17. Memo of Debra Butler dated January 16, 1996
18. Memo of Debra Butler dated February 7, 1996
19. Memo of Debra Butler dated February 14, 1996

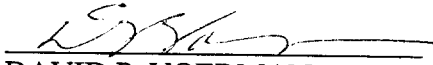
20. Memo of Debra Butler dated May 3, 1996
21. Memo of Debra Butler dated May 24, 1996
22. Memo of Debra Butler beginning "Middle to Last Part of May 96"
23. Memo of Debra Butler dated June 3, 1996
24. Memo of Debra Butler dated June 10, 1996; June 11, 1996; June 12, 1996; June 13, 1996; June 14, 1996; and June 17, 1996.
25. Memo of Debra Butler dated July 17, 1996
26. Memo of Debra Butler dated August 27, 1996
27. Memo of Debra Butler dated October 23, 1996
28. Memo of Debra Butler dated November 1, 1996
29. Memo of Debra Butler dated November 20, 1996
30. Memo of Debra Butler beginning "On December 19th I was called to Oliver's office..."
31. Memo of Debra Butler dated December 20, 1996
32. Memo of Debra Butler dated December 20, 1996 to Evans, Lopez and Oliver
33. Memo of Debra Butler dated January 6, 1997
34. Memo of Debra Butler dated January 7, 1997
35. Memo of Debra Butler dated January 8, 1997
36. Memo of Debra Butler dated January 9, 1997
37. Memo from John Oliver to Personnel Clerk and Clinic Personnel dated January 10, 1997
38. Memo of Debra Butler dated January 15, 1997
39. Memo of Debra Butler dated January 17, 1997
40. Memo of Debra Butler beginning "On March 25, 1997...."

41. Memo of Debra Butler to Sherman Gilliland dated April 17, 1997
42. Note left on desk of Debra Butler on April 23, 1997
43. Debra Butler's list of qualifications as of October 12, 1995.
44. Exhibits 1-18 to the deposition of Luis Lopez
 - (a) Letter dated November 2, 1996
 - (b) Fax for Herb DeGroft DTD January 2, 1997
 - (c) Letter dated November 21, 1996
 - (d) Letter dated December 17, 1996
 - (e) Letter dated December 19, 1996
 - (f) Letter dated January 7, 1997
 - (g) Letter dated January 10, 1997
 - (h) Handwritten Memo dated January 10, 1997
 - (i) Confidential Memo dated January 10, 1997
 - (j) Memo for Record dated January 14, 1997
 - (k) Handwritten Memo dated January 17, 1997
 - (l) Handwritten Memo dated January 17, 1997
 - (m) Letter dated January 17, 1996
 - (n) Letter dated January 17, 1997
 - (o) Handwritten Memo dated January 21, 1997
 - (p) Handwritten Memo dated January 22, 1997
 - (q) Handwritten Memo to Mr. Oliver
 - (r) Guards' time sheet

- 45. Deposition of Luis Lopez (if unable to appear).
- 46. Any and all exhibits introduced by defendant.

Respectfully submitted this the 7th day of April, 1999.

DAVID P. VOERMAN
Attorney for Plaintiff



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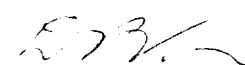
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PLAINTIFF'S IDENTIFICATION OF WITNESSES AND EXHIBITS** was served upon counsel of record for the defendant by depositing the same in a properly addressed and postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina and addressed to:

Joel H. Katz
Michael C. Lord
Maupin Taylor & Ellis, P.A.
Post Office Drawer 19764
Raleigh, North Carolina 27619-9764

This the 12th day of April, 1999.

DAVID P. VOERMAN
Attorney for Plaintiff



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Note:

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Exhibits, Affidavits Or Other Material Which
Has Not Been Scanned**